

Stathis & Leonardis, L.L.C.

32 South Main Street
Edison, New Jersey 08837
(732) 494-0600 File No.: 18-4223MDP
Marc D. Portlock, Esquire
Attorney ID No.: 016432002
Attorneys for Plaintiff, Sara Delgado

SARA DELGADO, an individual,

Plaintiff,

vs.

HENRY CAPALDI, an individual; SICILIANO
TRUCKING, L.L.C., a business entity; JOHN DOES
(1-5), fictitiously named individuals; and ABC COS
(1-5), fictitiously named business entities,

Defendants.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CIVIL ACTION NO:

COMPLAINT

Plaintiff, Sara Delgado, individually by and through her attorneys, says:

JURISDICTION

1. The Plaintiff is a citizen of the State of New Jersey residing at 4 Stanford Court, Blackwood, in the Township of Gloucester, County of Camden and State of New Jersey.
2. The Defendant, Henry Capaldi, is an individual, residing at 7835 Horrocks Street, Philadelphia, PA 19152.
3. The Defendant, Siciliano Trucking, LLC, is a business entity who owns and operates a commercial trucking business throughout the State of New Jersey, and maintains an office at 2500 S. Broadway, Camden, NJ 08104.
4. The jurisdiction of this Court is predicated upon 28 U.S.C. Section 1332 as there exists diversity in citizenship of states between the Plaintiff and the Defendants.

6. The amount in controversy potentially exceeds the sum or value of \$75,000 exclusive of interest and costs.

FIRST COUNT

7. On or about December 18, 2017, Plaintiff, Sara Delgado, was driver of her motor vehicle which motor vehicle was traveling on Route I-676W in Philadelphia, County of Philadelphia and State of Pennsylvania.

8. On or about December 18, 2017, Henry Capaldi, an employee of the Siciliano Trucking, LLC was the operator of a certain commercial truck owned by the Defendant, Siciliano Trucking, LLC, or its agencies, agents, servants and/or employees, which commercial truck was being operated as a permissive user of the owner and/or the agent, servant and/or employee of the owner, and which motor vehicle was traveling on Route I-676W in Philadelphia, County of Philadelphia and State of Pennsylvania.

10. At the time and place aforesaid, Defendants, Henry Capalidi and Siciliano Trucking, LLC, through its agencies, agents, servants and/or employees, were careless, reckless and negligent in the ownership, operation and/or maintenance of the aforesaid commercial truck so as to cause same to collide into the Plaintiff's vehicle.

11. As a direct and proximate result of the negligence of the Defendants, as aforesaid, Plaintiff, Sara Delgado, was caused to sustain and did sustain serious and permanent personal injuries, including emotional injuries and mental anguish, requiring the care and treatment of physicians, hospitalization and medication, and has been and will in the future continue to be hampered in her daily routine.

WHEREFORE, Plaintiff, Sara Delgado, demands judgment against the Defendants, Henry Capalidi and Siciliano Trucking, LLC, jointly and severally in the amount of her damages, which exceeds \$75,000, together with interest and costs of suit.

SECOND COUNT

12. The plaintiff, Sara Delgado, repeats and realleges each and every paragraph of the First Count as if same were set forth herein and at length.

13. The plaintiff has designated John Does (1-5) and ABC Cos. (1-5) to represent any other persons, business entities, and/or public entities, who are responsible for the accident referenced herein.

14. The plaintiff reserves her right to amend this Complaint to implead such persons and/or business entities should the identity or liability of same be revealed during the course of discovery herein.

WHEREFORE, the plaintiff, Sara Delgado, does hereby demand judgment against the fictitious defendants jointly and severally in the amount of her damages, which exceed \$75,000, together with interest and costs of suit.

STATHIS & LEONARDIS, LLC
Attorneys for Plaintiff

DATED: December 11, 2018

By: /s/ Marc D. Portlock
Marc D. Portlock

NOTICE OF TRIAL COUNSEL

Please take notice that Marc D. Portlock, Esq. is hereby designated as Trial Counsel in the above-captioned matter for the firm of Stathis Leonardis, LLC, pursuant to Rule 4:25 et. seq.

**CERTIFICATION AS TO REDACTION OF
REQUIRED PERSONAL IDENTIFIERS**

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

CERTIFICATION

I, the undersigned, do hereby certify to the best of my knowledge, information and belief, that except as hereinafter indicated, the subject matter of the controversy referred to in the within pleading is not the subject of any other Cause of Action, pending in any other Court, or of a pending Arbitration Proceeding, nor is any other Cause of Action or Arbitration Proceeding contemplated;

1. OTHER ACTIONS PENDING.....YES___ NO X

A. If YES - Parties to other Pending Actions.

B. In my opinion, the following parties should be
joined in the within pending Cause of Action.

2. OTHER ACTIONS CONTEMPLATED?.....YES___ NO X

A. If YES - Parties contemplated to be joined, in
other Causes of Action.

3. ARBITRATION PROCEEDINGS PENDING?.....YES___ NO_X

A. If YES - Parties to Arbitration Proceedings.

B. In my opinion, the following parties should be
joined in the pending Arbitration Proceedings.

4. OTHER ARBITRATION PROCEEDINGS CONTEMPLATED?.....YES___ NO_X

A. If YES - Parties contemplated to be joined to
Arbitration Proceedings.

In the event that during the pendency of the within Cause of Action, I shall become aware of any change as to any facts stated herein, I shall file an amended certification and serve a copy thereof on all other parties (or their attorneys) who have appeared in said Cause of Action.

STATHIS & LEONARDIS, LLC

Attorneys for Plaintiff

By: /s/ Marc D. Portlock
Marc D. Portlock

DATED: December 11, 2018